

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

AMOS HUNTER,

Plaintiff,

vs.

UNITED STATES OF AMERICA,

Defendant.

NO. CV-09-105-JLQ

**ORDER DENYING MOTION FOR
RECONSIDERATION**

BEFORE THE COURT is the Plaintiff's Motion for Reconsideration (Ct. Rec. 10) of this court's Memorandum Opinion Dismissing Complaint with Prejudice (Ct. Rec. 8).

"[A] motion for reconsideration should not be granted, absent highly unusual circumstances, unless the district court is presented with newly discovered evidence, committed clear error, or if there is an intervening change in the controlling law." 389 *Orange St. Partners v. Arnold*, 179 F.3d 656, 665 (9th Cir.1999). Mr. Hunter contends that there was a material change to the Plea Agreement in the underlying criminal prosecution of David Pitts such that reconsideration is warranted (Ct. Rec. 10, 2:1-2). The Amended Plea Agreement (CR-07-133-FVS, Ct. Rec. 166) in that case struck all references to Mr. Hunter's representation of Mr. Pitts, an action Mr. Hunter now argues removes any bar to the granting of the relief sought in the above-captioned civil matter.

The court is not persuaded. As Mr. Hunter admits, the parts of the Plea Agreement,

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2 to which he was never a party, that he found offensive have been stricken. Even if the
3 court were to liberally construe this development as new evidence, it would argue against
4 the relief sought by Mr. Hunter, not in favor thereof, since the parts of the Plea
5 Agreement in questions have been stricken.

6 The remainder of Mr. Hunter's arguments are reiterations and have been
7 previously considered and rejected by the court in its Memorandum Opinion (Ct. Rec.
8 10) and will not be considered again. See *Fuller v. M.G. Jewelry*, 950 F.2d 1437, 1442
9 (9th Cir. 1991). Accordingly,

10 **IT IS HEREBY ORDERED:**

11 The Plaintiff's Motion for Reconsideration (Ct. Rec. 10) is **DENIED**.

12 The Clerk is hereby directed to enter this Order and furnish copies to the parties.

13 **DATED** this 11th day of May, 2009.

14 s/ Justin L. Quackenbush
15 JUSTIN L. QUACKENBUSH
16 SENIOR UNITED STATES DISTRICT JUDGE
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